

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 15th day of December, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Lisa Wallingford, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: John Maresh, Interim City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Jeff Trinker, Executive Director of Support Services
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Justin Rodgers, Police Officer
Richard Hooper, Administrative Lieutenant
Wade Goates, Fire Chief
Darren McCarthy, Parks and Recreation Director
Randall Malik, Economic Development Director
James Lewis, Director of Technology
Jenny Pavlovich, Communications Manager
Kaye Supak, Executive Assistant

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7 00 p m.

Invocation and Pledge of Allegiance.

Pastor Dave Hodges, Grace Community Bible Church, Richmond, gave the invocation, and Jared Martinez of Boy Scout Troop 923 led the pledge of allegiance to the flag.

Announcements.

- Merry Christmas and Happy New Year, from Council and staff

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. **Review of Consent Agenda.**

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on minutes of the Regular City Council Meeting for December 01, 2015.**
- B. **Consideration of and action on Resolution No. R-2083, a Resolution authorizing the acceptance, for and on behalf of the City, of a Utility Easement more particularly described as a 20-foot wide strip of land in the Wiley Marin Survey, Abstract 56, Fort Bend County, Texas, being over, through, and across that certain called 3.0 acre tract recorded under County Clerks File Number 2014111212, Official Public Records, Fort Bend County Texas, as conveyed to the City by Christopher Lee Cobb, Owner.**

EXECUTIVE SUMMARY

This item has been added to the Agenda in order for City Council to consider Resolution No. R-2083, a Resolution authorizing the acceptance of a Utility Easement for the construction of the 20-inch water line from the City's proposed Water Plant No. 8 on A. Meyers Road. This water plant will receive surface water from the Brazosport Water Authority and will pump the surface water into the City's water distribution system.

This utility easement will allow the City to have the 20-inch water line constructed today in a location that will not require it to be relocated in the future when A. Meyers Road is widened. The 20-foot wide easement will also coincide with the future 20-foot right-of-way dedication for A. Meyers Road as the area is developed. Should this line be constructed in the current A. Meyers Road right-of-way today, the future relocation of that line would be significant in costs and would also take the 20-inch water line out of service for a short period of time when the relocation was constructed.

The granting of the easement by Mr. Cobb includes the City payment of \$1,000.00 to Mr. Cobb to cover his legal expenses related to this matter. Staff recommends approval of Resolution No. R-2083 as presented.

- C. **Consideration of and action on Resolution No. R-2084, a Resolution authorizing the issuance and conveyance from the City of a Pipeline Easement, more particularly described as all that certain 1.157 acres of land, out of the 527.545 acre tract described as Tract Three in the deed from Freeman Irby Cobb to F. Irby Cobb, Trustee, recorded under Volume 1888, Page 1443, in the Official Public Records of Fort Bend County, Texas, in the E.P. Everett Survey, A-387, Fort Bend County, Texas, as conveyed by the City to Christopher Lee Cobb.**

EXECUTIVE SUMMARY

This item has been added to the Agenda to provide City Council with an opportunity to consider the conveyance of a Pipeline Easement (easement) to Christopher Lee Cobb. Mr. Cobb owned all of what is now Fort Bend County Municipal Utility District No. 152 (Walnut Creek), and still owns a residue of the original tract. The other portions of the original tract have been conveyed to Lennar Homes of Texas Land and Construction Ltd., and the City of Rosenberg.

In Amendment No. 1 to Agreement to Designate Drill Sites between Lennar Homes of Texas Land and Construction, Ltd., and the F. Irby Cobb Trust, three (3) pipeline easements for gathering lines were established along with the designation of two (2) drill sites. A requirement of this filed agreement was for Lennar Homes of Texas Land and Construction, Ltd., to grant the pipeline easements as they acquired ownership of each portion of the property.

The City obtained ownership of a 93.70 acre tract from Lennar Homes of Texas Land and Construction Ltd. in 2008. The City is currently constructing the Dry Creek Regional Detention Basin on a portion of this tract and the remainder is planned for use as a park. In an oversight, Lennar Homes of Texas Land and Construction Ltd., did not convey the agreed upon pipeline easement when they had possession of this 93.70 acres. Therefore, the City, as the current property owner, is being asked to grant the pipeline easement. There would not be any pipeline constructed within the easement until the mineral owner exercises his option to drill a well on one of the two designated drill sites.

The proposed pipeline easement is fifteen (15) feet in width and is adjacent to Ricefield Road. Staff does not foresee any detrimental impacts from this easement on the City's use of the 93.70 acres from the granting of the pipeline easement, and recommends approval of Resolution No. R-2084 as presented.

- D. **Consideration of and action on Resolution No. R-2085, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-03, in the amount of \$225,990.00 for accrued benefits for retired City Manager.**

EXECUTIVE SUMMARY

Budget Amendment 16-03, in the amount of \$225,990.00, allows the City to pay the retired City Manager for accrued benefits as stated in the employment agreement.

Budget Amendment 16-03 is included as Exhibit "A" to Resolution No. R-2085. Staff recommends approval of Resolution No. R-2085 as presented.

- E. **Consideration of and action on Ordinance No. 2015-40, an Ordinance establishing speed limits during construction along a portion of IH-69 (US 59) within the Corporate Limits of the City of Rosenberg, Texas; and, providing a penalty in an amount of not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00) for violation of any provision hereof; and providing for severability and an effective date.**

EXECUTIVE SUMMARY

The Texas Department of Transportation (TxDOT) has requested the City establish a construction zone speed limit along portions of IH-69/US 59 for the duration of a scheduled construction project. A City Ordinance is required to designate speed limits for the construction zones located within the City of Rosenberg, which extends west of Spur 10 and just to the east of Hamlink Road in Beasley. All speed limit signage will be furnished, installed, and maintained by TxDOT.

Staff recommends approval of Ordinance No. 2015-40, establishing construction zone speed limits along IH-69/US 59 during the construction period and automatically cancelling upon completion of the project.

- F. **Consideration of and action on Ordinance No. 2015-41, an Ordinance establishing speed limits during construction along a portion of IH-69 (US 59) within the Corporate Limits of the City of Rosenberg, Texas; and, providing a penalty in an amount of not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00) for violation of any provision hereof; and providing for severability and an effective date.**

EXECUTIVE SUMMARY

The Texas Department of Transportation (TxDOT) has requested the City establish a construction zone speed limit along portions of IH-69/US 59 for the duration of a scheduled construction project. A City Ordinance is required to designate speed limits for the construction zones located within the City of Rosenberg, which extends west of FM 762 to a point just west of Reading Road within the City Limits. All speed limit signage will be furnished, installed, and maintained by TxDOT.

Staff recommends approval of Ordinance No. 2015-41, establishing construction zone speed limit of fifty-five miles per hour (55 MPH) along IH-69/US 59 during the construction period and automatically cancelling upon completion of the project.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 2 Susan Euton to approve Consent Agenda items A, B, C, D, E, and F.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Consideration of and action on Resolution No. R-2086, a Resolution authorizing the appointment of an Interim City Manager for the City of Rosenberg.**

EXECUTIVE SUMMARY

Resolution No. R-2086 authorizes the appointment of John Maresh as the Interim City Manager of the City of Rosenberg.

KEY DISCUSSION POINTS

Cynthia A. McConathy, Mayor, gave an overview of the item, explaining that this Resolution will appoint John Maresh and Interim City Manager in an official capacity.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 1 William Benton to approve Resolution No. R-2086, a Resolution authorizing the appointment of John Maresh as Interim City Manager for the City of Rosenberg.

Vote: 7 - 0 Carried - Unanimously

3. **Review and discuss a presentation regarding a proposed Eagle Scout Project by A. Jared Martinez of Troop 923 to construct a pavilion in Tony Becerra Park, and take action as necessary.**

EXECUTIVE SUMMARY

On November 19, 2015, at the regularly scheduled Parks and Recreation Board (Board) meeting, A. Jared Martinez, Troop 923, presented a proposal to construct a pavilion in Tony Becerra Park. The pavilion, designed to fit a single picnic table, will have an 8 foot clearance, 12 foot length, and 12 foot width. The Project is estimated to be about a maximum of \$1,250.00. Funds are currently being raised through Troop-mates, friends, and family. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project by A. Jared Martinez of Troop 923 to construct a pavilion in Tony Becerra Park.

KEY DISCUSSION POINTS

Darren McCarthy, Parks and Recreation Director, read the Executive Summary and introduced A. Jared Martinez of Boy Scout Troop 923, who gave a presentation on his proposed Eagle Scout Project to build a pavilion at Tony Becerra Park. Council thanked him for his interest in undertaking this project.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J Barta to approve the proposed Eagle Scout Project by A. Jared Martinez of Troop 923 to construct a pavilion in Tony Becerra Park.

Vote: 7 - 0 Carried - Unanimously

4. **Hold Executive Session to consult with City Attorney on pending or contemplated litigation regarding disannexation of the "Spacek Tracts" pursuant to Section 551.071 of the Texas Government Code.**

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 2 Susan Euton to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

5. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session at 7 48 p.m.

- 6 **Consideration of and action on Ordinance No. 2015-38, an Ordinance providing for the disannexation from the Corporate Boundaries of the City of Rosenberg, Texas, of 81.1 acres located in the Robert Handy Survey, Abstract 187, Fort Bend County, Texas, pursuant to the petition for disannexation; adjusting the boundaries of Council District No. 4 to exclude the tract disannexed hereby; containing certain findings; providing for non-severability; and establishing an effective date.**

EXECUTIVE SUMMARY

On November 6, 2015, City staff received a petition for disannexation of property located within the "Spacek Tracts" as annexed in 2011. The original annexation ordinance (Ordinance No. 2011-27) is attached for review. By November 10, 2015, it had been verified by staff, and by the City Attorney, that it was a valid petition meeting the City Charter requirements and other procedures as provided for in the Local Government Code, Chapter 43. Per the Fort Bend County Election Administrator's office, there are 132 registered voters in the area. The petition contains 68 signatures, or 51.5 percent of the registered voters, meeting the majority required by the City Charter, Section 1.04.

It should be noted that the subject property for the petition does not include all of the property originally annexed, rather, it has been reduced to include only those properties within the Blume Addition and not fronting on Spacek Road or FM 2977. It should also be noted that the City has not failed to provide services, as defined by the Local Government Code, to this area; therefore the City would not be required to refund petitioners. To date, the City has provided police and fire protection services to the area and has constructed a water line. While the water line has benefits for properties in the area, it would have been constructed regardless of the annexation, and its exact benefits to the area are not measurable. Whether petitioners will be refunded, and if so how much, will ultimately be a City Council decision.

Following a review by City staff, only the following considerations are identified for City Council's review of the proposed disannexation/ordinance at this time:

- Disannexation of the proposed/subject area would create a "hole" within the City limits that would be surrounded by other properties that are in the City;
- The area would no longer be funded by City taxes from a fire protection/services standpoint.

- If access to City utilities is sought in the future by property owners within the disannexed area, the request would have to be approved by City Council, and the rate would be one and one half (1 1/2) times that of the normal rate, and,
- The area could not be annexed again for a minimum of ten (10) years.

Ordinance No. 2015-38, to disannex 81.1 acres within the "Spacek Tracts," is attached for City Council's review and consideration. If approved, the Ordinance provides that the subject property would remain in Rosenberg's Extraterritorial Jurisdiction (ETJ). Staff recommends approval of Ordinance No. 2015-38.

KEY DISCUSSION POINTS

Scott M. Tschirhart, City Attorney, gave an overview of the item, stating that his office has reviewed the disannexation petition, and confirming that it complies with State Law and the City Charter. Local Government Code provides that, upon disannexation, there is a certain reimbursement allowed, based on the amount of taxes paid minus the amount of services provided to the area. The 2015 taxes have not been paid by a lot of the properties in the area, so Council will need to set specific dates for services to end. Joyce Vasut, Executive Director of Administrative Services, recommended that tax revenue should be calculated through February 1, 2016, as taxes become delinquent on January 31, 2016. On February 1, 2016, the City could finalize the revenues versus expenditures calculations, and determine the pro rata amount available for refund. Mr. Tschirhart further explained that the Ordinance will need to be modified slightly, due to a water line that was previously considered as service to the area no longer being considered as such.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Ordinance 2015-38, an Ordinance providing for the disannexation from the Corporate Boundaries of the City of Rosenberg, Texas, of 81.1 acres located in the Robert Handy Survey, Abstract 187, Fort Bend County, Texas, pursuant to the petition for disannexation, adjusting the boundaries of Council District No. 4 to exclude the tract disannexed hereby, containing certain findings, providing for non-severability, establishing an effective date, and replacing the 6th whereas clause of the draft Ordinance with the following language

"WHEREAS, City Council finds that the amount of property taxes and fees collected by the City during the time the land was located within the City limits is more than the amount of money that the City has spent for the direct benefit of the land during that time period, and, therefore the City shall be required to refund taxes and fees in excess of the police and fire services provided to the property owners in the area. Such excess shall be calculated based upon the real property taxes collected through tax year 2015 as shall be collected through February 1, 2016 subtracting the police and fire services provided to the area from the date of annexation up to the adoption of this Ordinance."

Vote: 6 - 1 Carried - Yeses. Mayor McConathy, Councilors Barta, Benton, Pena, Euton, and Moses. No Councilor Wallingford.

7. **Consideration of and action on Resolution No. R-2082, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-02, in the amount of \$9,969,500.00 for Certificates of Obligation, Series 2015.**

EXECUTIVE SUMMARY

During the October 20, 2015 meeting, City Council approved Ordinance No. 2015-33 authorizing and ordering the issuance of Certificates of Obligation, Series 2015, in an aggregate principal amount not to exceed \$10,000,000.00 for street, drainage and utility improvements to City streets and roads, as well as improvements to the City's wastewater and water systems.

Budget Amendment 16-02, in the amount of \$9,969,500.00, will record bond proceeds for Certificates of Obligation, Series 2015, and fund the capital expenditures for improvements to Old Richmond Road/ Avenue F, Chloramine Conversion Project, Water Plant No. 8, Lift Station No. 2 and Sanitary Sewer Improvements (Phase II).

Budget Amendment 16-02 is included as Exhibit "A" to Resolution No. R-2082. Staff recommends approval of Resolution No. R-2082 as presented.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary. John Maresh, Interim City Manager, explained that Water Plant #8 and the chloramine conversion projects are the result of the Fort Bend Subsidence District's mandate to reduce groundwater withdrawals and switch to the alternative, surface water, by October 1, 2016.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2082, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-02, in the amount of \$9,969,500.00 for Certificates of Obligation, Series 2015.

Vote: 7 - 0 Carried - Unanimously

8. **Consideration of and action on Resolution No. R-2081, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at 1028 Sally Anne Drive and described as Tract 3: Geo Number: 8845000010154901: Lot No. 15 (E 55') and Lot No. 16 (W 20') in Block No. 1, of the Timberlane Addition, located in the City of Rosenberg, Fort Bend County, Texas, more particularly described in Deed Number 270773, Volume 657, Page 807 files in the real property records of Fort Bend County, Texas.**

EXECUTIVE SUMMARY

Mike Darlow, with Perdue, Brandon, Fielder, Collins and Mott, LLP, presented an offer received from Daussent Gainnier and Elka Navarro to purchase property at 1028 Sally Anne Drive from the City for \$9,701.56. The official bid form, bid analysis, and a map showing the location are attached. The proposed resale deed has been included as Exhibit "A" to Resolution No. R-2081.

The offer is for 100% of the taxes, costs and City mowing liens due on the property. Mr. Darlow recommends the resale be approved by adopting Resolution No. R-2081.

Staff also recommends approval of Resolution No. R-2081, a Resolution authorizing the resale of property that was acquired through tax foreclosure proceedings.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 1 William Benton to approve Resolution No. R-2081, a Resolution authorizing the Mayor to execute a resale deed for real property generally located at 1028 Sally Anne Drive and described as Tract 3 Geo Number 8845000010154901 Lot No. 15 (E 55') and Lot No. 16 (W 20') in Block No. 1, of the Timberlane Addition, located in the City of Rosenberg, Fort Bend County, Texas, more particularly described in Deed Number 270773, Volume 657, Page 807 files in the real property records of Fort Bend County, Texas.

Vote: 7 - 0 Carried - Unanimously

9. **Consideration and action on Resolution No. R-2072, a Resolution awarding Bid No. 2015-18 for construction of Water Plant No. 8; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.**

EXECUTIVE SUMMARY

Bids were received on Wednesday, November 18, 2015, for Bid No. 2015-18 for construction of Water Plant No. 8 (Project). A total of five (5) bids were opened and tabulated as indicated on the attached bid summary form.

Staff recommends Bid No. 2015-18 be awarded to W.W. Payton Corporation, for the base bid, plus alternate bid A1 and A3 in the total amount of \$4,547,000.00 for construction of the water plant project. The project primarily includes construction of one 3 million gallon concrete ground storage tank, pumps, controls, chemical treatment equipment and SCADA. The attached correspondence from Charles Kalkomey, Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from W.W. Payton Corporation will be attached and serve as Exhibit "A" to Resolution No. R-2072. The contract time stipulates completion of milestone 1 construction activities by March 01, 2017 and milestone 2 (final completion) within 60 calendar days from the date surface water is delivered to the plant.

This Project is included in the FY2016 Capital Improvement Plan approved by City Council on July 07, 2015. The Project is also a part of the City's approved Groundwater Reduction Plan and is an essential element necessary to take delivery of, store, and provide additional treatment (if necessary) of the alternative surface water before it is introduced into the distribution system. The water plant will be constructed on the 3 acre tract of property recently conveyed by MUD 184 (Stonecreek Estates) on A. Meyer Road.

Staff recommends approval of Resolution No. R-2072 which will award Bid No. 2015-18 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary, and explained that the area is experiencing a lot of growth, so he is anticipating a lot of future water needs to be in this general area of the City.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2072, a Resolution awarding Bid No. 2015-18 to W.W. Payton Corporation in the amount of \$4,547,000.00 for construction of Water Plant No. 8, and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

Vote: 7 - 0 Carried - Unanimously

- 10 **Consideration of and action on Resolution No. R-2087, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding On-Call Right-of-Way Acquisition Services associated with the Bryan Road/Spacek Road Expansion Project.**

EXECUTIVE SUMMARY

This item has been included on the Agenda to offer City Council an opportunity to authorize the Interim City Manager to negotiate and execute appropriate documents and/or agreements regarding On-Call Right-of-Way Acquisition Services associated with the Bryan Road/Spacek Road Expansion Project. A formal Request for Qualifications (RFQ) was prepared by staff, advertised in the Fort Bend Herald, and posted on the City's website. The primary scope of services are as follows

1. Appraisal Services - Consisting of property appraisals, preparation of appraisal reports. (However, the City reserves the right to contract directly with Appraisers independent of this contract and provide said appraisals and reports to the Right-of-Way Consultant.)
2. Negotiation Services - Consisting of negotiating with the property owners for the purchase of partial or full properties, right-of-way, easements, relocation and temporary construction easements (TCEs). Preparation of all letters and documents required including the offer letters, appraisal summary agreement for purchase, and other documents as required, including relocation. All negotiation services shall be in accordance with State of Texas statutes and other applicable requirements, including, but not limited to review and approval by the City. Note. Plat, legal description and deeds will be prepared by others.
3. Escrow and Title Coordination Services - Consisting of handling the escrow and title work.
4. Project Management and Administrative Services - Consisting of attendance at meetings, general consultation on right-of-way matters and all necessary tracking or clerical work associated with services provided.

On Tuesday, December 08, 2015, a total of six (6) Statements of Qualifications (SOQs) were received. Staff has reviewed the SOQs and ranked Stateside Right of Way Services as the best qualified. If approved, the proposal from Stateside Right of Way Services, including the final negotiated "Agreement for Right-of-Way Services" (Agreement) and schedule of fees would be attached as Exhibit "A" to Resolution No. R-2087. The Agreement would also be subject to review and approval by the City Attorney. Based on 26 parcels, the acquisition services, title services and appraisal fees will be approximately \$195,000.00. Fees for relocation and condemnation-related services are not known at this time and would be invoiced per the schedule of fees. The above fees do not include the values for each individual parcel.

Staff recommends approval of Resolution No. R-2087 as presented.

KEY DISCUSSION POINTS

John Maresh, Interim City Manager, read the Executive Summary and explained that the Professional Services Committee was not assembled to review the proposals due to the value of the project, and there is money in the FY2016 Budget specifically for this project.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2087, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding On-Call Right-of-Way Acquisition Services associated with the Bryan Road/Spacek Road Expansion Project.

Vote: 7 - 0 Carried - Unanimously

11. **Hold Executive Session to consult with City Attorney regarding potential litigation regarding release of confidential information, and regarding pending litigation, namely Imperial Arts v. Rosenberg Development Corporation, pursuant to Section 551.071 of the Texas Government Code, and to deliberate the appointment, employment, and evaluation of the City Manager pursuant to Section 551.074 of the Texas Government Code.**

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

12. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**

Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.

13. **Adjournment.**

There being no further business, Mayor McConathy adjourned the meeting at 9 25 p.m.


Linda Cernosek, TRMC, City Secretary